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SENATE BILL 993 By
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HOUSE BILL 812
By McDonald

AN ACT to amend Tennessee Code Annotated, Section 12-6-108;
Section 12-6-110; Section 12-7-101; Section 12-7-102;
Section 12-7-103; Section 12-7-105 and Section 12-5-125,
relative to publications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 12-5-125, is amended by deleting subsections (a), (b), and (c) in their entireties and substituting therefor the following:

(a) Every department or agency of the state which promulgates public documents shall cause the following statement with cost data to be inserted on the publication adjacent to the identification of the agency responsible for the publication:

"This public document was promulgated at a cost of \$_____ per copy."

This statement shall be produced in either the same size type as the body copy of the publication or in such type style and size to be fully legible and set in a box composed of a light-weight-rule line.

(b) As used in this section, unless the context otherwise requires, "public document" means any annual, biennial, regular or special report or publication of which at least one thousand (1,000) copies are printed, or whenever produced electronically

and which may be subject to distribution to the public, or any printed material, or electronically-produced material which is controlled by the publications committee established in chapter 7, part 1 of this title, regardless of the number of copies produced.

(1) Public documents include:

(A) The acts and journals of the general assembly, the reports of the supreme court and such other courts as shall have their decisions reported by the attorney general and reporter or shall be required by any act or resolution of the general assembly;

(B) The periodic reports of officers of the state and any special reports that may from time to time be made by state officers or committees of the general assembly or other committees provided for by law; and

(C) Such other reports or statements as may be published under the authority of the state or any official thereof.

(2)

(A) Items exempted from the requirements of this section include letterhead stationery, envelopes, or memoranda and correspondence utilizing a manual signature and not reproduced through a printing-related function; and

(B) Public documents also do not include any publication authorized by the Tennessee Code Commission under the authority of Section 1-1-105.

(c) For the purposes of this section, the following three (3) factors shall be used in computing cost data whether on bid by a private person or company, or by a state institution:

(1) *Preparation*. Included in this is expenditure for materials, artwork and typesetting involved in preparing the public document for publication;

(2) *Printing*. Included in this is expenditure for reproduction, binding and other printing-industry-related functions; and

(3) *Electronic preparation*. Included in this is expenditure for the document development and placing the document on the internet or intranet.

SECTION 2. Tennessee Code Annotated, Section 12-6-108, is amended by deleting subsection (3) in its entirety and substituting therefor the following:

(3) Such other reports or statements as may be published in printed form or produced electronically under the authority of the state, or any official thereof, but not including any publications authorized by the Tennessee Code Commission under the authority of Section 1-1-105.

SECTION 3. Tennessee Code Annotated, Section 12-6-110, is amended by deleting subsections (1), (2) and (3) in their entireties and substituting therefor the following:

(1) Two (2) printed copies directly to the librarian or person in charge of each of the depositories;

(2) Upon request, two (2) printed copies to the secretary of state; and

(3) Two (2) printed copies to any location or locations specified by the proper governing publications committee created pursuant to the provisions of chapter 7, part 1 of this title.

SECTION 4. Tennessee Code Annotated, Section 12-7-101, is amended by deleting the section in its entirety and substituting therefor the following:

In order to control the cost and proliferation of publications and reports printed or produced electronically by state agencies, and to provide a permanent record of publications issued by state government, there is hereby created a publications committee which shall consist of the commissioner of finance and administration, the

commissioner of general services, the director of the governor's information office, the comptroller of the treasury, one (1) member of the senate and one (1) member of the house appointed by the respective speakers, and the secretary of state. The commissioner of finance and administration, or the commissioner's representative, shall be the chair of this committee, and the secretary of state or the secretary of state's representative, shall be the secretary and as such shall keep a permanent and accurate record of the committee's proceedings. The members of this committee shall serve without additional compensation. The commissioners of finance and administration and of general services, the secretary of state and the comptroller of the treasury are authorized to designate an alternate representative who shall have full authority to vote and participate in all other activities of the committee under this part. Such designations must be made in writing to the chair, with a copy filed with the secretary of state. The committee shall have authority to issue regulations implementing provisions concerning designation in such a manner as to provide for maximum continuity of such representation.

SECTION 5. Tennessee Code Annotated, Section 12-7-102, is amended by deleting subsections (a), (c) and (e) in their entireties and substituting therefor the following:

(a) It is the duty of the publications committee to establish rules and regulations to control the costs and quantity of all publications to include electronically-produced publications, and to promulgate rules and regulations governing the production and distribution of state agency reports and publications issued by agencies and departments of the government of the state of Tennessee, excluding institutions of higher education, the judicial branch of state government, and those state institutions and facilities exempted from public purchase laws in § 12-3-103.

(c) It also is the duty of the publications committee to establish a procedure for reviewing all publications as hereinafter defined, and to approve or disapprove the

production of existing publications and planned publications which come under the provisions of this part.

(e) "Publications" includes any newsletter, stationery, greeting card, report or printed material produced or electronically-produced material for distribution outside the department or agency for which the report or printed material or electronic material is produced, including those produced at facilities not operated by the state. "Publications" do not include any publication authorized by the Tennessee Code Commission under the authority of Section 1-1-105.

SECTION 6. Tennessee Code Annotated, Section 12-7-103, is amended by deleting subsections (a), (d) and (e) in their entireties and substituting therefor the following:

(a) No publication, coming within the jurisdiction of the publications committee as provided by § 12-7-102, shall be produced unless it has been approved in accordance with rules promulgated by the publications committee. Rules of the publications committee shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) A printing authorization number shall be assigned to each publication which has been approved as required by this section. The printing authorization number shall be affixed to the publication adjacent to the identification of the agency responsible for the publication. No printing facility operated by the state shall print any publication, coming within the jurisdiction of the publications committee as provided by § 12-7-102, unless the printing authorization number has been affixed as required by this subsection. No electronic publication shall be produced, coming within the jurisdiction of the publications committee as provided by 12-7-102, unless an authorization number has been assigned as required by this subsection. No contract shall be entered into, nor requisition issued, nor acted upon, by any state department or agency, including, but not limited to, the division of purchasing, for printing of any publication coming within the

jurisdiction of the publications committee as provided by § 12-7-102, at any facility, unless the printing authorization number has been affixed as required by this subsection. All state contracts or grant agreements, including, but not limited to, all contracts for personal, professional and consultant services entered into under §§ 12-4-109 and 12-4-110, which involve or may involve the printing, or electronic production of any publication, coming within the jurisdiction of the publications committee as provided by §12-7-102, shall contain a provision whereby the contractor or grantee agrees that no publication shall be printed unless a printing authorization number has been obtained and affixed as required by this section.

(e) Whenever any department, institution or agency of the state government contracts for the printing of a publication or electronically-produced publication coming within the jurisdiction of the publications committee as provided by § 12-7-102, and such publication has not been approved in accordance with rules promulgated by the publications committee, such contract shall be void and of no effect.

SECTION 7. Tennessee Code Annotated, Section 12-7-105, is amended by deleting the section in its entirety and substituting therefor the following:

It is the duty of all departments, institutions or agencies of state government to furnish to the publications committee all material requested from the committee regarding both printed and electronically-produced publications and reports.

SECTION 8. This act shall take effect July 1, 2001, the public welfare requiring it.